

## STATE OF SOUTH CAROLINA

(Caption of Case)

Carolina Power + Light Company d/b/a  
Progress Energy Carolinas, Inc.  
Annual Review of Base Rates for  
Fuel Costs

2/5740

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

## COVER SHEET

## DOCKET

NUMBER: 2009 - 1 - E

(Please type or print)

Submitted by: Moore + Van Allen, PLLC

SC Bar Number:

Address: Thomas S. Mulliken

Telephone: 704-331-1000

100 N. Tryon St

Fax: 704-339-5870

Charlotte NC 28202

Other:

Email: tmullikin@mralaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

## DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition
 ☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

BEFORE THE  
PUBLIC SERVICE COMMISSION OF SOUTH  
CAROLINA

DOCKET NO. 2009-1-E

SC PUBLIC SERVICE  
COMMISSION

2009 MAR 12 PM 2:43

RECEIVED

IN THE MATTER OF: )  
)  
Carolina Power & Light Company d/b/a )  
Progress Energy Carolinas, Inc. )  
Annual Review of Base Rates for )  
Fuel Costs )

**MOTION FOR ADMISSION**  
***Pro Hac Vice***

Nucor Steel-South Carolina, a Division of Nucor Corporation, hereby moves the Public Service Commission of South Carolina ("Commission") to permit Garrett A. Stone and Michael K. Lavanga to practice pro hac vice before the Commission in the above-captioned matter.

Pursuant to SCACR 404, Messrs. Stone and Lavanga, together with counsel of record, have filed a *Verified Application for Admission Pro Hac Vice* with the South Carolina Supreme Court. Attached hereto are stamped copies of both Verified Applications as filed with the Supreme Court.

WHEREFORE, as the provisions set forth in SCACR 404 have been satisfied, Nucor requests this motion be granted.

Respectfully submitted,  
MOORE & VAN ALLEN, PLLC



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Thomas S. Mullikin  
Robert R. Smith, II

100 North Tryon Street  
Suite 4700  
Charlotte, NC 28202  
(704) 331-1000  
(704) 339-5870 Fax  
[tommullikin@mvalaw.com](mailto:tommullikin@mvalaw.com)  
[robsmith@mvalaw.com](mailto:robsmith@mvalaw.com)

Counsel for Nucor Steel-South Carolina

Dated: March 12, 2009

BEFORE THE  
PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 2009-1-E

2009 MAR 12 PM 3:49  
SC PUBLIC SERVICE  
COMMISSION

RECEIVED

In the Matter of:

Carolina Power & Light Company  
d/b/a Progress Energy Carolinas, Inc.  
Annual Review of Base Rates  
For Fuel Costs

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)  
)  
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CERTIFICATE OF SERVICE

This is to certify that the foregoing document was served upon the  
following parties at the addresses set forth by first-class mail, telefax or Federal  
Express on this the 12 day of March, 2009:

Len S. Anthony, Esq.  
*Carolina Power and Light Company d/b/a*  
*Progress Energy Services Company*  
Legal Department - PEB 17A4  
Post Office Box 1551  
Raleigh, NC 27602

Shealy Boland Reibold  
*Office of Regulatory Staff*  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201



Thomas S. Mullikin  
Robert R. Smith, II

**RECEIVED**

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*  
IN THE STATE OF SOUTH CAROLINA**

**MAR 12 2009**

**S.C. SUPREME COURT**

IN THE MATTER OF:

Docket No. 2009-1-E

Carolina Power & Light Company d/b/a  
Progress Energy Carolinas, Inc.  
Annual Review of Base Rates for  
Fuel Costs

Public Service Commission of South Carolina

Mailing Address:

101 Executive Center Dr.,  
Suite 100  
Columbia, SC 29210

Comes now Garrett A. Stone, applicant herein, and respectfully represents the following:

1. Applicant resides at 2202 Toronto Street, Falls Church, County of Fairfax, VA 22043; telephone number 703-241-4122.

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Brickfield, Burchette, Ritts & Stone, PC, with offices at 1025 Thomas Jefferson Street, NW, 8<sup>th</sup> Floor West, Washington, DC 20007; telephone 202-342-0800; fax number 202-342-0807.

3. Applicant has been retained personally or as a member of the above named law firm by Nucor Steel-South Carolina to provide legal representation in connection with the above case now pending before the above named regulatory agency of the State of South Carolina.

4. Since April 11 of 1986, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

<u>Court:</u>	<u>Date Admitted:</u>
Colorado	1982
United States District Court for the District of Colorado	1982
United States Court of Appeals for the Tenth Circuit	1982

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

Not applicable. Colorado membership is inactive at Applicant's election.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

Applicant affirms the above statement to be true and correct.

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not applicable.

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

Not applicable.

9. Local counsel of record associated with applicant in this case is Thomas S. Mullikin and Robert R. Smith II, of the Moore & Van Allen, PLLC law firm, which has offices at: 100 North Tryon Street, Suite 4700, Charlotte, NC 28202; telephone 704-331-1000.

If applicable list all other firms/attorneys you are associated with on this matter.

Not applicable.

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

Applicant filed an application to appear in the following proceedings before the South Carolina Public Service Commission:

Name:	Case No. 2008-251-E Application of Carolina Power and Light Company d/b/a Progress Energy Carolinas, Incorporated for the Establishment of Procedures for DSM/EE Programs
Status:	On-going
Application:	Filed July 22, 2008 Granted August 14, 2008 by Commission Order
Local Counsel:	Thomas S. Mullikin and Robert R. Smith, II
Name:	Case No. 2008-1-E Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., Annual Review of Base Rates for Fuel Costs
Status:	Settlement Approved by Commission
Application:	Filed March 26, 2008 Granted April 15, 2008 by Commission Order
Local Counsel:	Thomas S. Mullikin and Robert R. Smith, II
Name:	Case No. 2007-1-E Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc., Annual Review of Base Rates for Fuel Costs
Status:	Settlement Approved by Commission
Application:	Filed February 8, 2007 Granted March 2, 2007 by Commission Order
Local Counsel:	Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2006-1-E  
Carolina Power & Light Company d/b/a Progress Energy  
Carolinas, Inc., Annual Review of Base Rates for Fuel Costs  
Status: Settlement Approved by Commission  
Application: Filed February 28, 2006  
Granted March 27, 2006 by Commission Order  
Local Counsel: Thomas S. Mullikin and Robert R. Smith, II

Name: Case No. 2005-1-E  
Carolina Power & Light Company d/b/a Progress Energy  
Carolinas, Inc., Annual Review of Base Rates for Fuel Costs  
Status: Settlement Approved by Commission  
Application: Filed May 4, 2005  
Granted June 14, 2005 by Commission Order  
Local Counsel: Thomas S. Mullikin

Applicant was previously permitted by the South Carolina Public Service Commission to participate in a number of matters in the late 1980s and throughout the 1990s based on oral motion at the hearing, which was the standard practice at the time. Applicant also participated in two appeals of two Commission cases that were resolved by the Supreme Court of South Carolina, in which pro hac vice status may have been granted.<sup>1</sup> However, Applicant does not recall the details of these cases, or any other cases, which were completed many years ago. Applicant has never been denied the right to participate in a South Carolina case.

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named regulatory agency for this case only.

DATED this 10 day of March, 2009.

  
\_\_\_\_\_  
APPLICANT

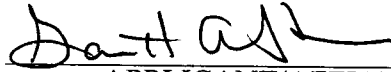
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<sup>1</sup> *Nucor Steel, a Div. of Nucor Corp. v. South Carolina Public Service Com'n*, 310 S.C. 539, 426 S.E.2d 319 (1992); and *Hamm v. South Carolina Public Service Com'n*, 307 S.C. 188, 414 S.E.2d 149 (1992).

## VERIFICATION

DISTRICT OF COLUMBIA )

I, Garrett A. Stone, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.



\_\_\_\_\_  
APPLICANT/AFFIANT

Subscribed and sworn to before me this 10 day of March, 2009.



Notary Public for the District of Columbia

My Commission Expires: April 14, 2012

## LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 12 day of March, 2009



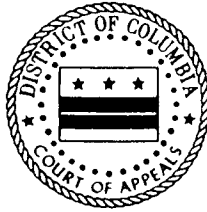
\_\_\_\_\_  
LOCAL COUNSEL OF RECORD

## CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 12 day of March, 2009.







District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

GARRET A. STONE

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was on the 11<sup>TH</sup> day of APRIL, 1986

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on March 6, 2009.

GARLAND PINKSTON, JR., CLERK

By: Ch. Charles  
Deputy Clerk

RECEIVED

VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*  
IN THE STATE OF SOUTH CAROLINA

MAR 12 2009

S.C. SUPREME COURT

IN THE MATTER OF:

Docket No. 2009-1-E

Carolina Power & Light Company d/b/a  
Progress Energy Carolinas, Inc.  
Annual Review of Base Rates for  
Fuel Costs

Public Service Commission of South Carolina

Mailing Address:

101 Executive Center Dr.  
Suite 100  
Columbia, SC 29210

Comes now Michael K. Lavanga, applicant herein, and respectfully represents the following:

1. Applicant resides at 8715 Highgate Road, Alexandria, County of Fairfax, VA 22308; telephone number 703-704-5366.
2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Brickfield, Burchette, Ritts & Stone, PC, with offices at 1025 Thomas Jefferson Street, NW, 8<sup>th</sup> Floor West, Washington, DC 20007; telephone 202-342-0800; fax number 202-342-0807.
3. Applicant has been retained personally or as a member of the above named law firm by Nucor Steel-South Carolina to provide legal representation in connection with the above case now pending before the above named regulatory agency of the State of South Carolina.
4. Since August of 2001, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia where applicant regularly practices law. Attached is a certificate of good standing.
5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:

Virginia

Date Admitted:

2000

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

Not applicable.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

Applicant affirms the above statement to be true and correct.

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not applicable.

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

Not applicable.

9. Local counsel of record associated with applicant in this case is Thomas S. Mullikin and Robert R. Smith II, of the Moore & Van Allen, PLLC law firm, which has offices at: 100 North Tryon Street, Suite 4700, Charlotte, NC 28202; telephone 704-331-1000.

If applicable list all other firms/attorneys you are associated with on this matter.

Not applicable.

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

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Status:	Settlement Approved by Commission
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Local Counsel:	Thomas S. Mullikin and Robert R. Smith, II

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina

Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named regulatory agency for this case only.

DATED this 6 day of March, 2009.

  
APPLICANT

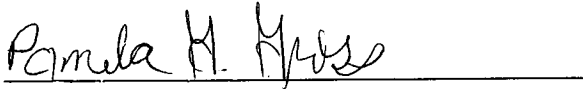
#### VERIFICATION

DISTRICT OF COLUMBIA )

I, Michael K. Lavanga, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

  
APPLICANT/AFFIANT

Subscribed and sworn to before me this 6<sup>th</sup> day of March, 2009.

  
\_\_\_\_\_

Notary Public for the District of Columbia

My Commission Expires: April 14, 2012

#### LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 12 day of March, 2009

  
LOCAL COUNSEL OF RECORD

### **CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by a payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 12 day of March, 2009.

*Tom Mulliken*

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District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

MICHAEL K. LAVANGA

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was on the 6<sup>TH</sup> day of AUGUST, 2001

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on March 6, 2009.

GARLAND PINKSTON, JR., CLERK

By: M. Chalk  
Deputy Clerk